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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,156	11/24/2003	Cameron A. Cote	47454-9	1155
23971	7590	11/17/2004	EXAMINER	
BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA			KHAIRA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			3754	
DATE MAILED: 11/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,156

Applicant(s)

COTE, CAMERON A.

Examiner

Navneet Sonia Khaira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 15-32 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Specification

This disclosure is objected to because of the following informalities:

-Page 6, Line 3, "35" – spec "35" groove not shown in drawings.

Claim Objections

Claims 1 is objected to because of the following informalities:

-Claim 1, line 16 of the claim, "an" should read – "a".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection

ns under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gebhard (US 5,431,205).

Referring to claims 1 and 9, Gebhard discloses a bottle cap (112, Fig 3) or fitting on a bottle (B) including a mouth and an inner volume, the bottle cap (112, Fig 3) comprising: a cover securable over the bottle (B) mouth, the cover (112, Fig 3) having an outer surface and an inner surface, a valve housing (122 feature, Fig 3) extending from the cover inner surface and positioned to be open to the bottle inner volume when the cap (112, Fig 3) is secured over the mouth; a liquid flow port (126, Fig 4) passing through the valve housing (122 feature, Fig 3) and the cover (112, Fig 3) extending between a first opening (126, Fig 4) on the valve housing (122 feature, Fig 3) and a second opening (120, Fig 3) on the cover outer surface; a plunger (130 feature, Fig 3) disposed in the valve housing (122, Fig 3) and moveable between a sealing position blocking liquid flow (Fig 3) from the first opening (126, Fig 4) to the second opening (120, Fig 4) of the liquid flow port and an open position permitting liquid flow from the first opening (126, Fig 4) to the second opening (120, Fig 4) of the liquid flow port, the plunger (130 feature, Fig 4) including a drive end accessible through the second port and the plunger (130 feature, Fig 4) being biased into the blocking position (Fig 3) but movable into the open position (Fig 4) by applying force against the drive end (130, Fig 4).

Gebhard also discloses a cap body (112, Fig 3) including the housing (122 feature, Fig 3) extending opposite the cover surface, a bore (111, Fig 3) in the cap body and opening on the cover surface, a port opening (126, Fig 3) through the housing into the bore (111, Fig 3) and a plunger (130 feature, Fig 4) in the bore (111, Fig 3) and

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including a drive end (130, Fig 3) accessible through the opening, the plunger (130 feature, Fig 4) biased toward the opening but prevented from passing, the plunger when biased sealing across the port but drivable by applying force to the drive end (130, Fig 3) to move the plunger to open the port (Fig 4), the cap body (112, Fig 3) formed to fit over a mouth of a bottle with the housing (122 feature, Fig 3) extending into the bottle.

Referring to claims 2 and 10, Gebhard further discloses the plunger (130 feature, Fig 3) is biased by a spring (132 Fig 3).

Referring to claims 3 and 11, Gebhard further discloses a bore (111, Fig 3) in the valve housing (122 feature, Fig 3) and wherein the plunger (130 feature, Fig 4) is slidably moveable through the bore (111, Fig 3) and driven to slide in the bore (111, Fig 3) when force is applied at the drive end (Fig 4)

Referring to claims 4 and 12, Gebhard further discloses wherein bore (111, Fig 3) includes a seat (130, Fig 3) against which the plunger (130 feature, Fig 3) is sealed when in the blocking position (Fig 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 15-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhard (US 5,431,205) in view of Donzella (US 5,743,294).

Referring to claims 7, 8, 15, and 16, the Gebhard reference discloses a bottle cap openable and a plunger that acts as a valve to control flow but does not disclose an air supply passage openable between the cover outer surface and valve housing. It also does not disclose a valve to control flow through the air supply passage.

Donzella discloses an air supply passage openable between the cover outer surface and valve housing. It also discloses a valve to control flow through the air supply passage (Col. 4, lines 19-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard bottle cap with an air supply passage openable between the cover outer surface and valve housing and a valve to control flow through the air supply passage as taught by Donzella. This modification would be desirable to allow air to pass and eliminate air bubbles in the bottle.

Referring to claims 17 and 25, Gebhard discloses a cap body (112, Fig 3), a liquid flow passage passing through the cap body between a first opening (126, Fig 3) on the housing and a second opening (120, Fig 3) on the cover surface, A bottle cap for fitting on a bottle (B) including a mouth and an inner volume (Fig 4), the bottle cap (Fig 3) comprising of a cover securable over the bottle mouth (Fig 4), the cover having an outer surface and an inner surface, a housing (122 feature, fig. 4) extending from the

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cover inner surface and positioned to be open to the bottle inner volume when the cap is secured over the mouth (Fig 4), a liquid flow passage through the housing (122 feature) and the cover extending between a first opening (126) on the housing and a opening (120) on the cover outer surface, but does not disclose an air flow passage passing through the cap body separately from the liquid flow passage, the air flow passage extending between an inside opening on the housing and an outside opening on the cover surface.

Donzella discloses an air flow passage (18) passing through the cap body separately from the liquid flow passage (16), the air flow passage extending between an inside opening on the housing and an outside opening on the cover surface (Fig 2a & 2b)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard bottle cap with air flow passage extending between an inside opening on the housing and an outside opening on the cover surface. This modification would be desirable to allow air flow to pass and eliminate air bubbles in the bottle.

Referring to claims 18 and 26, Gebhard discloses a valve (122 feature, Fig 4) to control flow through the liquid flow passage (126 and 120, Fig 4).

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Referring to claims 19, 21, 27, and 29, Gebhard further discloses a valve in the bore (111, Fig 3) operable to control flow through the liquid flow passage (120, Fig 4) but does not disclose a valve in the bore to control air flow passage.

Donzella discloses a valve in the bore to control flow through the air supply passage (18, Fig 2b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard bottle cap with a valve in the bore to control air supply passage flow as taught by Donzella. This modification would be desirable to allow air to pass and eliminate air bubbles in the bottle.

Referring to claims 20 and 28, Gebhard further discloses a bore (111, Fig 3) in the cap body (112, Fig 3) and opening (120, Fig 4) at a port on the cover surface and wherein the liquid flow passage passes through the bore (Fig 4) but does not disclose a air flow passage passes through the bore.

Donzella discloses an air flow passage passes through the bore (Fig 2a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard bottle cap with air flow passage passes though the bore as taught by Donzella. This modification would be desirable to allow air to pass and eliminate air bubbles in the bottle.

Referring to claims 22 and 30, Gebhard further disclose the valve (122 feature, fig 4) is a plunger (130 feature, fig 4) biased into a sealing position in the bore and including a portion capable of sealing the liquid flow passage (120 & 126, Fig 3) but does not disclose a portion capable of sealing the airflow passage.

Donzella discloses a portion capable of sealing the airflow passage (19, Fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard a portion capable of sealing the airflow passage as taught by Donzella. This modification would be desirable to seal air flow when the liquid is not being dispensed from the bottle.

Referring to claims 23 and 31, Gebhard discloses the second opening (120) of the liquid flow passage is the port of the bore (Fig 4).

Referring to claims 24 and 32, Gebhard discloses a bottle cap (Fig 4) but does not disclose bottle cap comprising an extension tube for extending the length of the air flow passage.

Donzella discloses a bottle cap comprising an extension tube for extending the length of the air flow passage (Col 4, lines 19-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Gebhard bottle cap with an extension tube extending the length of the air flow passage as taught by Donzella. This modification would be desirable to allow air to pass and eliminate air bubbles in the bottle.

Allowable Subject Matter

Claims 5, 6, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Related Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paczonay (US 5,927,565), Anderson (US 4,722,463), and Boumann (US 5,848,736) references also disclose bottle caps comprising a valve or air passages used to control liquid and air flow from a bottle.

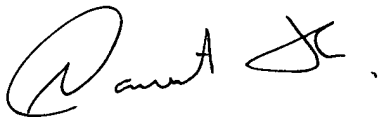
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 703-305-0860 (571-272-7142 after 11/23/04). The examiner can normally be reached on 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 703-308-2087 (571-272-4906 after 11/23). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navneet Sonia Khaira
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